

NOTICE AND AGENDA

Notice is hereby given that the Planning Commission of Millville City will hold their regularly scheduled on Thursday, **December 17, 2020** as a Zoom electronic meeting, which shall begin at **8:00 p.m.**

Zoom Meeting URL: <https://us04web.zoom.us/j/3229544002>
Dial-In Option: (408) 638-0968
Zoom Meeting ID: 322 954 4002

1. Call to Order / Roll Call
2. Opening Remarks / Pledge of Allegiance
3. Approval of agenda
4. Approval of minutes from December 3, 2020
5. Agenda Items—
 - A. Zoning Clearance- Horman Homes, Robert Owens located at 80 W 550 N, Millville UT
 - B. Other
6. City Council Report- Review minutes from December 10, 2020
7. Agenda items for next meeting
8. Calendaring for future Planning Commission Meeting
9. Adjournment.

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Kara Everton at (480) 528-1467 at least three days prior to the meeting.

This agenda was posted on December 14, 2020 to the City posting locations, the City Website and the Utah Public Meeting Notices Website.



Kara Everton, Secretary
Millville City Planning Commission

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

December 3, 2020

1. Roll Call:

Chairman Garrett Greenhalgh, Bonnie Farmer, Rachel Thompson, Matthew Anderson (Alt.) and Darcy Ripplinger (Alt.).

Commissioners Lynette Dickey has requested to be excused prior to the meeting.

Others Present:

Development Coordinator Randy Wall, Treasurer Tara Hobbs, Recorder Corey Twedt, Mike Zollinger, Chad Kendrick, Dan Hunsaker, Lance Zollinger. Secretary Kara Everton recorded the minutes.

2. Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh opened the meeting at 8:00 p.m.

3. Review and Approval of agenda

The agenda for the Planning Commission meeting of December 3, 2020 was reviewed. A motion was made by Commissioner Rachel Thompson to approve the agenda as outlined. Commissioner Matthew Anderson seconded, stipulating changes of the Agenda item 5A title to be Cripple Creek Estates.

Commissioners Greenhalgh, Farmer, Thompson, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioner Dickey & Lewis absent.

4. Review and Approval of the Minutes from November 19, 2020

The Planning Commission meeting minutes were reviewed. A motion was made by Commissioner Bonnie Farmer to approve the minutes as presented. Commissioner Rachel Thompson seconded.

Commissioners Greenhalgh, Farmer, Thompson, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioner Dickey & Lewis absent.

5.A. Cripple Creek Estates Conceptual

Cripple Creek Estates is located on 200 East and 400 South. The current layout shows 4 lots, but it has been concluded that Lot 1 and Lot 2 will remain the same and Lot 3 & 4 will be combined into one lot. Future plans will reflect this change.

A lot of discussion was made about the bridge over the canal. A previous bid was given from JUB and it was decided that Dan Hunsaker would cover half the cost of the bridge, and a future developer to the east of the properties would be responsible for the other half. Dan expressed concern regarding the estimated cost vs what he would be able to do it for. He doesn't want to get locked into paying more for a job he can complete while still meeting all the requirements of size and weight. Conclusion was made to get more bids for the bridge to understand costs more. Matthew Anderson also suggested to get the land resurveyed so that the canal is off of the property because the spring is a "no-man zone" no matter who owns the property.

Further concern was expressed regarding the sewer. Chad Kendrick said that we are far enough along in the planning to ensure the proper depth/elevation is prepared.

Additional discussion was communicated regarding the hammerhead that will be to the furthest south of the property. Dan will look into getting the radius as tight as possible. Possibility of not doing the hammerhead so that it doesn't have to be torn up in the future. The plan right now is to put a storm box, that can be removed when future development ensues, to redirect water into the creek. Council agreed that going from an 88' to 66' is okay as it is not a collection road.

After much deliberation regarding the difference between major and minor subdivisions, it was concluded that because of the dedication of the property for the road, this property is a Major subdivision as far as the city of Millville is concerned, but it does not go against the moratorium enforced by Bear River Health Department, and will need to follow the major subdivision requirements.

5.C. Zollinger Subdivision- Conceptual Design

The main topic of concern is that there are three access points from a private driveway that would serve as the frontage to these properties. Per Ordinance 2018-3, the definition of "frontage" needs to be along a public road, and not a private road, therefore, it does not meet the city requirements. Development Coordinator, Randy Wall, stated that there was a court decision previous to the date of the ordinance that states that there can be three additional accesses off of the private drive. Much discussion ensued concerning the validity of this decree and if it was determined to be grandfathered in, as it was declared before the ordinance was changed, and if Millville is required to uphold the decree.

Continued discussion led to the topic of this being a Major vs Minor subdivision. The plat shows 4 properties. Lance Zollinger clarified that only three were buildable land with one being labeled as unbuildable land. Per current regulations from Bear River Health Department and the city of Millville, major subdivisions of more than 3 lots are not being permitted to continue. The current proposal is indicating the four lots and would not be in compliance.

A motion was made by Commissioner Rachel Thompson to send to the City Council to review the decree to allow building off a private lane, and to clarify whether buildable lots or unbuildable lots matter in the definition of a major subdivision. Commissioner Bonnie Farmer seconded.

Commissioners Greenhalgh, Farmer, Thompson, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioner Dickey & Lewis absent.

5.D. Other

Development Coordinator, Randy Wall was asked by a property owner if we can hold an emergency meeting to get a building clearance on their property. With concern for the employees' time, the request has been denied and this item will be added to the agenda in two weeks.

6. Agenda Items for Next Meeting

1. Zollinger Conceptual: pending the City Council recommendations
2. Building Clearance

7. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, December 17, 2020 at 8:00 pm.

8. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:40 p.m.

DRAFT

TURN IN

00939



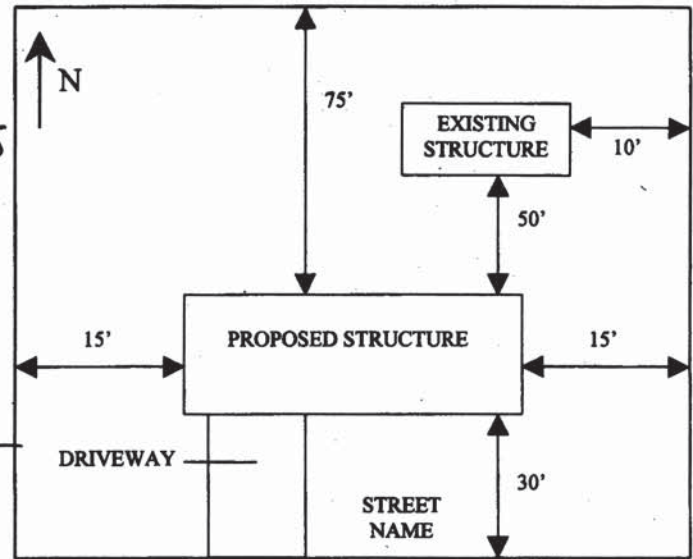
MILLVILLE CITY ZONING CLEARANCE FOR BUILDING PERMIT THIS FORM EXPIRES 60 DAYS FROM DATE OF APPROVAL

APPLICATION INFORMATION

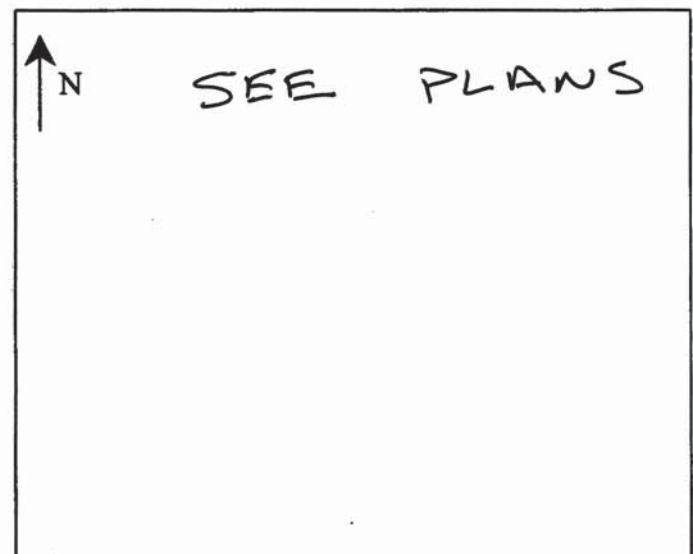
1. HORMAN HOMES
APPLICANT'S NAME
2. 884 S. MAIN
MAILING ADDRESS
- SMITH FIELD VT 84335
CITY STATE ZIP CODE
3. (435) 232-3868 4. -
HOME TELEPHONE BUSINESS TELEPHONE
5. -
OWNER'S NAME (if different from applicant)
6. RESIDENTIAL -
TYPE OF STRUCTURE
7. 4000 8. RESIDENTIAL
SQUARE FOOTAGE ZONE
9. TIBBITTS LOT 4
SUBDIVISION NAME AND LOT NUMBER (if applicable)
10. 02 - 127 - 0024
TAX IDENTIFICATION NUMBER
11. 80 W. 550 N.
ADDRESS OF CONSTRUCTION
12. .94 13. -
LOT SIZE LOT ELEVATION
14. SEWER ☐ SEPTIC TANK ☒ N/A ☐
(choose one)
15. CITY WATER ☒ PRIVATE WELL ☐ N/A ☐
(choose one)
16. ELECTRICITY ☒ GAS ☒ OTHER UTILITY ☐
(specify in remarks)
17. REMARKS

SAMPLE PLOT PLAN

(numbers do not represent required setbacks)



PLOT PLAN



APPROVED - PLANNING AND ZONING

DATE

FEES PAID - TREASURER

DATE

This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes. Millville City Form 101 - 15 Nov. 2003 (previous edition is obsolete)

550 NORTH STREET



PLOT PLAN
SCALE: 1" = 16'

CONTENT:

1. PLOT PLAN & COVER PAGE
2. FOUNDATION/BASEMENT FLOOR PLAN
3. MAIN FLOOR PLAN
4. FRONT & LEFT ELEVATIONS, & MAIN FLOOR FRAMING PLAN
5. REAR & RIGHT ELEVATIONS, & ROOF FRAMING PLAN
6. ELECTRICAL FLOOR PLANS

**FINELINE DESIGN
& DRAFTING**

TITLE: PLAT PLAN 1 (OVER PAID)
DRWG SIZE: 3 **DATE:** 10/28/20
DRAWN BY: D. CROZIER 1035755-6247
DRWG #: 1186 **COMMENTS:** 2046

MILLVILLE CITY COUNCIL MEETING
Zoom Electronic Meeting – Millville, Utah
December 10, 2020

PRESENT: David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Bodie Lyon, Cole Knighton, Jason Dattage, Lance Zollinger, Mike Zollinger, Spencer Munyan

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for December 10, 2020 at 7:00 p.m. The roll call indicated Mayor Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger and Daniel Grange were in attendance with Councilmember Clay Wilker to arrive shortly. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Councilmember Callahan welcomed everyone to the Council Meeting and led all present in the pledge of allegiance. He said that it has been quite a year for the City. Not only because of COVID, but also because of the big projects that are happening in Millville. Councilmember Callahan said that he was appreciative of the Mayor and the City staff for all that they have accomplished this year.

Approval of Agenda

The agenda for the City Council Meeting of December 10, 2020 was reviewed. **Councilmember Callahan moved to approve the agenda for December 10, 2020.** Councilmember Grange seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (A copy of the agenda is included as Attachment "A".)

Approval of minutes of the previous meeting

The Council reviewed the minutes of the City Council Meeting for November 12, 2020. **Councilmember Callahan moved to approve the minutes for November 12, 2020.** Councilmember Grange seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused.

Report on P & Z Meetings held November 19, 2020 and December 3, 2020

Development Coordinator Randy Wall had not arrived at this point in the meeting so Recorder Twedt reviewed with the Council the Planning Commission's draft minutes for the meetings held November 19, 2020 and December 3, 2020.

Request for a Business License for Knighton Construction at 371 N. 100 E.

Cole Knighton has submitted a request for a business license for Knighton Construction. He was present at the City Council Meeting and explained that he was planning to do construction management. Councilmember Callahan said that he had concerns of equipment being parked in the City right-of-way. Cole said that he had a half-acre lot with plenty of room and did not plan on parking anything in the City right-of-way. He said that the only equipment he would keep at the home was a small trailer. **Councilmember Callahan moved to approve the business license for Knighton Construction.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Grange and Zollinger voted yes with Councilmember Wilker excused. (A copy of the license application is included with the minutes as Attachment "B".)

Request for a Business License for Liveit Global Marketing at 56 W. 300 N.

Jason Dattage has submitted a request for a business license for Liveit Global Marketing for dog breeding services. He was present at the City Council Meeting and said that he has three dogs that he wants to breed. Councilmember Zollinger asked about the type of dog. Jason said that they were American Bulldogs, which make great family pets and are not overly aggressive. Councilmember Callahan stressed that Jason would need to review the code to ensure he was in compliance with the rules. Recorder Twedt said that as was the case with the other business license provided for dog breeding, this would require a variance from City Code due to the number of animals. Councilmember Zollinger read from City Code Chapter 6.08.020 and clarified that the number of dogs allowed by City Code applied to dogs over three months old. The Council discussed with Jason the number of dogs he expected to have at any one time. Jason said that he didn't plan to have more than ten dogs at any time. It was discussed that Jason would need to have a City kennel license. **Councilmember Zollinger moved to approve the business license for Liveit Global Marketing.** Councilmember Grange seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (A copy of the license application is included with the minutes as Attachment "C".)

Request for a Business License for Lyon Fruit Orchard at 570 N. Main

Bodie Lyon has submitted a request for a business license for Lyon Fruit Orchard. He was present at the City Council Meeting. He said he has a small orchard off of Main Street and would like to expand it. Bodie said that he was not selling the fruit. It was free to the community with the excess going to the food pantry. Councilmember Grange clarified that Bodie would not need a business license for what he was doing, but could get one if he liked. He thanked Bodie for his service to the community. Bodie said he would like to get the license. **Councilmember Grange moved to approve the business license for Lyon Fruit Orchard.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. Mr. Lyon thanked the Council. (A copy of the license application is included with the minutes as Attachment "D".)

Consideration of a Resolution Adopting the 2020 Impact Fee Report

Recorder Twedt reviewed the Impact Fee Report and associated resolution. He explained that there were road impact fee funds that the City would need to use in 2022 and 2023, but that this would be useful with everything happening with the sewer project.

Councilmember Callahan moved to approve Resolution 2020-27. Councilmember Wilker seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The information is included with the minutes as Attachment "E".)

Setting of the 2021 Annual Meeting Schedule

Mayor Hair asked the City Council if they would like to make any changes to the meeting schedule or keep it the same for 2021. The consensus of the City Council was to keep the meeting schedule the same for 2021. Recorder Twedt said that he would handle the required notifications and postings.

Zollinger Estates Subdivision Review

Recorder Twedt reviewed the discussion that had taken place in Planning and Zoning and the request for clarification from the Planning Commission regarding using the private lane as frontage for the three lots. He also said that although there were only three buildable lots, the subdivision would break one parcel into four parcels which was a major subdivision as defined by Millville City Code and there was still a moratorium on major subdivisions from the Bear River Health Department.

Mike and Lance Zollinger clarified that a change had been made after the Planning and Zoning Meeting. Recorder Twedt showed the updated plat map provided by the Zollingers. They had worked with the County to change the borders of parcel 02-117-0019 and parcel 02-117-0020 so that parcel 02-117-0019 was smaller and only contained the property that the Zollingers wanted to divide into the three buildable parcels as part of this subdivision. With this change, the subdivision would include three lots and not be classified as a major subdivision if the private lane remained private. (The updated plat map is included with the minutes as Attachment "F").

Mayor Hair said that the road has been there a long time and has been maintained by the property owners that use it. He said that the City would need an easement for utilities, but that he felt the road should remain private. He said that he would prefer the City not maintain the road.

Lance said that there had been litigation that had granted the previous owner three additional accesses to the private road. Councilmember Wilker said that regardless of the litigation, allowing access from a private road would benefit Millville City. He said that it was important that people be allowed to use their private property. This development would add additional homes that would be paying in on the sewer which would benefit the rest of the residents of Millville.

Councilmember Callahan said that the issue was the ordinance that was adopted in 2018 that would require frontage from a public street. He said that he didn't agree with that ordinance and thought that this should be reviewed and potentially changed. Councilmember Wilker said that he agreed.

Councilmember Zollinger asked why this ordinance had been adopted in 2018? What was the purpose of the change? Councilmember Grange said that this had been an attempt to clean up the code as it related to flag lots. There were different parts of the code that made it unclear on what was and wasn't allowed. Councilmember Callahan said that he and Councilmember Wilker voted against the ordinance in 2018. He said that he didn't want to tell people what they can and can't do with their property. Councilmember Grange said that he agreed, and he liked what was being proposed in this subdivision. The concern was that it was in conflict with current City Code.

Mayor Hair said that this was different than previous requests that the City has received. There is already a road here that has been used and maintained for years, the previous request was asking to add a new road that would access a new home.

Councilmember Callahan said that since this had already been adjudicated in court, he feels that the Council should approve this specific subdivision to move forward with use of the private lane for frontage and then review the code in the near future and see if some changes should be made.

Councilmember Callahan motioned to approve the Zollinger Estates Subdivision as platted using the existing private road for access and recognize that it meets the requirements for frontage and that the City Council review this portion of the Code in the future. Councilmember Wilker seconded.

Recorder Twedt noted that the subdivision would still need to go through the process with Planning and Zoning and then come back to the City Council for final approval. Councilmember Callahan said that he agreed and that this motion was to approve the concept of the subdivision so that the Planning Commission had clarification on how to proceed.

Councilmember June asked who owned the road and who maintained it. Lance Zollinger said that it was owned by the people that lived on the road and that they shared the responsibility for maintenance of the road. They had been doing this for years.

Councilmember Grange said that the City might need to consider some requirements to ensure that easements are in place in case the City ever did need to take ownership of that road or if a City road needed to pass through that location. Mayor Hair said that the City would need the easements for utilities in that area. Public Works Director Chad Kendrick said that he agreed with Councilmember Grange and that they would need to follow set-back requirements and other City Codes with this development. Mayor Hair said that the City Council would pass this concern along to Planning and Zoning.

Councilmember Zollinger declared a conflict of interest that was noted by Mayor Hair. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes.

Councilmember Zollinger said that he liked Councilmember Callahan's request that the Council review this part of the code going forward. (A copy of the related Staff Report is included with the minutes as Attachment "G".)

Kathlene Alder Request for Boundary-Line Adjustment with Providence

Recorder Twedt said that Kathleen Alder had contacted him regarding this City boundary-line adjustment request that would move three of her parcels from Millville into Providence. Recorder Twedt said that Alder would need to complete the annexation of the property in the County before this would even be possible. Mayor Hair said that this would essentially create a peninsula for the west-most property in Millville. The City Council expressed concern about allowing this to happen. Recorder Twedt explained that this wasn't on the agenda for approval at this time, but just for an introduction about what is being requested. (A copy of the Staff Report is included with the minutes as Attachment "H".)

Councilmember Assignments

Mayor Hair showed the list of his proposed changes to the Councilmember Assignments for 2021. Councilmember Callahan requested to remain assigned to support for the sewer project. Mayor Hair made the change and then asked the Councilmembers to get with him if they had any concerns about the new assignments. (A copy of the 2021 Councilmember Assignments List is included with the minutes as Attachment "I".)

City Reports

Director of Public Works Chad Kendrick said that the parks have been quite empty as expected at this time of year except for the pickleball courts that are getting a lot of use from people from all over Cache Valley as most Cities take down their nets during the winter. Director Kendrick said that the tennis nets lasted many years without taking them down in the winters and by leaving them up, they extend the use of the City courts to residents of Millville and other neighboring cities.

Director Kendrick said that the well digger equipment had come in today. They have a lot of gear and are in the process of setting up so that they can begin. He said that Mayor Hair had generously been on-site with a front-end loader and grader to help get everything ready to go. The expectation is that the well construction will take approximately two months to complete.

Councilmember Reports and Items for Future Agendas

Councilmember Wilker thanked the Mayor for the Christmas letter and gift that was provided in place of being able to have the winter City social this year with the coronavirus pandemic.

Councilmember Grange asked that the Munson complaint against Stellar Auto be added to the next meeting agenda to discuss the issue in person with Beth Munson instead of continuing to discuss over email. Mayor Hair agreed and said that he had talked about this with staff earlier and that this was planned for the first meeting in January. The Council asked Recorder Twedt to invite Beth as they didn't want to discuss this in a meeting without her attendance.

Mayor Hair said that Development Coordinator Randy Wall has put in notice and is planning to resign. Randy said that he would stay on as Development Coordinator until the City was able to find a replacement.

Recorder Twedt reminded the Council that the next meeting, that would fall on Christmas Eve, had been cancelled.

Recorder Twedt also said that the audit was nearly done and had gone well. The audit report for the City Council would happen in January.

Adjournment

Councilmember Zollinger moved to adjourn the meeting. Councilmember Callahan seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. The meeting adjourned at 8:07 p.m.